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SUBJECT: INTER-AMERICAN COURT RULINGS PRESSURE MEXICO TO ADDRESS
HUMAN RIGHTS ISSUES

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INTER-AMERICAN COURT RULINGS PRESSURE MEXICO TO ADDRESS HUMAN
RIGHTS ISSUES

¶1. (SBU) Summary: Two recent decisions by the Inter-American Court have forced international attention on perennial human rights problems in Mexico and put pressure on the GOM and its official human rights ombudsman to respond to criticism of its military justice system and its handling of gender violence. The first case, known as the Cotton Field case, deals with longstanding issues of violence against women in Chihuahua state. Reftel reviews the Radilla case which calls on Mexico to address inconsistencies between Mexico's constitution and the military's code of justice.
End Summary

¶2. (SBU) In the Cotton Field case, the Court considered the violent murders of three young women from Ciudad Juarez, Chihuahua whose bodies were discovered in a local cotton field. The Court ruled Mexico had not done enough to investigate their deaths and had fabricated evidence to falsely convict two men. In light of the long pattern of violence against women in the northern border area, the Court found Mexico had violated the human rights of the female victims and their families. The Court ordered the GOM to strengthen its investigation of such cases and make symbolic gestures to the families and victims. With its condemnation of widespread gender violence in Ciudad Juarez, the Inter-American Court forces Mexico to recognize its failure to meet its human rights obligations. The decision is hardly a panacea for all of Mexico's human rights woes, but it should create space to address more effectively such challenges in the future. End summary.

Background: The Case behind the Decision

¶3. (SBU) Since 1993, NGOs and human rights groups have reported an increase in disappearances and murders of young women in Ciudad Juarez. In 2007, the Inter-American Court considered the situation in Juarez for the first time. The case before the Court centered on three young women who were kidnapped and murdered within a month of each other. Laura Berenice Ramos Monarrez, a 17 year old high school student, was last heard from on September 22, 2001 when she called a friend to make plans for a party. Claudia Ivette Gonzalez was 20 and an employee at a local "maquiladora." When she arrived

late to work on October 10, 2001, management refused to allow her to enter the factory and she disappeared later that day. Esmeralda Herrera Monreal was 15 and worked as a maid in the house of a local family. After leaving work on October 29, 2001, she disappeared. On November 6, 2001 the bodies of these three women, along with five others, were found in a cotton field in Ciudad Juarez. All of the women were between the ages of 15 and 20 and showed signs of rape and abuse.

¶4. (SBU) In March 2002, the victims' families, in coalition with a number of national and international NGOs, presented their case to the Inter-American Commission on Human Rights. In April 2007, the Commission issued a number of recommendations to the GOM. The Commission subsequently determined Mexico had not done enough to address its concerns and submitted the case to the Court in December 2007. During the trial, the families of the victims presented evidence that established that the GOM had neglected to conduct a thorough investigation into the victims' cases and had convicted innocent men. They claimed their daughters' human rights had been violated and that Mexico had allowed femicide to occur with impunity.

The Decision

¶5. (SBU) The Court extensively discussed various aspects of gender violence in northern Mexico and recognized 379 cases from 1993 to 2005 as instances of violence against women, most of which have not been solved. In its decision the Court ruled that, "...The State had an obligation to ensure the victims were found as

quickly as possible...the Court finds that the state's evidence did not prove efforts were made to quickly launch a search, mobilize institutions and mechanisms to obtain information...or carry out an effective investigation and prosecute those responsible.... The insufficient answers and indifferent attitudes of authorities in the investigation of these crimes, seem to have allowed the perpetual violence against women in Ciudad Juarez." The Court found that the victims in the Cotton Field Case were victims of gender violence based on the circumstances of their disappearances and evidence of abuse and rape, as well their ages, occupations, and social classes, which were consistent with local patterns of violence. In its decision the Court concluded, "The Tribunal considers the present case of violence against women a form of discrimination and declares the State violated the right to non discrimination contained in Article 1 of the American Convention."

¶6. (SBU) The Court ordered Mexico to fully investigate and prosecute the murders of Herrera, Gonzalez, and Ramos, and within a reasonable time frame, investigate and punish the public officials responsible for the irregularities in the case. (Note: During his nomination last year, Mexican Attorney General Arturo Chavez Chavez was criticized for his failure to address violence against women while he served as Attorney General of Chihuahua from 1996-1998. This criticism did not widely resurface in the press reporting on this decision. End note.) It also ruled the GOM must standardize and improve its response to cases of disappearances and violence against women and present a yearly update on these efforts. Moreover, it ordered the GOM to publicly acknowledge the victims in this case and other victims of gender violence by building a monument commemorating the victims, hosting a public ceremony in the victims' honor, publishing the decision in the "Diario Oficial" and a national newspaper, and paying restitution to the families. Finally, it ordered the creation of a database of victims to aid in tracking cases and a website the public can use to report missing persons.

Implementation: GOM Will Rely on Chihuahua

¶7. (SBU) Although the Court's decision obligates Mexico to improve its response to crimes against women, there has been no official public reaction from the GOM on the practical steps it plans to take to implement the Court's decision. According to POL sources, the GOM will look to the state of Chihuahua to assume the lead on implementing the prescribed actions. Jose Guevara,

Director of the Unit for the Promotion and Protection of Human Rights at the Secretariat of the Interior (SEGOB), the office responsible for implementing Inter-American Court decisions, told Poloffs that Chihuahua will have to implement some procedural changes but indicated it should not be difficult to do so within the Court's one year deadline.

Comment

¶8. (SBU) Both cases before the Inter-American Court were the result of a dedicated effort by the families of victims, supported by civil society groups, to seek justice. There was no significant backing from the CNDH and the Mexican government resisted with counter arguments. The decisions have put new pressure on the GOM, the military and the CNDH to take or support remedial action. The CNDH, while helpful in documenting abuse, has often shied away from using the existing authority in its mandate to support victims and their families. The Ambassador is scheduled to meet with the new CNDH President, Raul Plasencia, to discuss ways to reinforce CNDH efforts in line with the our comprehensive strategy on human rights (ref B). In our working ongoing dialogue with the Mexican human rights community, several NGO's have focused on the CNDH and its new leadership as an area where much more can be done. End comment.

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